



General Assembly

January Session, 2003

Raised Bill No. 6694

LCO No. 4618

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING PRISON OVERCROWDING.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17a-696 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2003*):

3 (a) The provisions of this section shall not apply to any person
4 charged with a violation of section 14-227a or 53a-60d or with a class
5 A, B or C felony or to any person who was twice previously ordered
6 treated under this section, subsection (i) of section 17-155y, section 19a-
7 386 or section 21a-284 of the general statutes revised to 1989, or any
8 combination thereof. The court may waive the ineligibility provisions
9 of this subsection for any person.

10 (b) The court [may] shall order suspension of prosecution and order
11 treatment for alcohol or drug dependency as provided in this section
12 and sections 17a-697 and 17a-698 if it, after considering information
13 before it concerning the alcohol or drug dependency of the person,
14 including the examination report made pursuant to the provisions of
15 section 17a-694, finds that (1) the accused person was an alcohol-
16 dependent or drug-dependent person at the time of the crime, (2) the
17 person presently needs and is likely to benefit from treatment for the

18 dependency, and (3) suspension of prosecution will advance the
19 interests of justice. Treatment may begin no earlier than the date the
20 clinical examiner reports under the provisions of section 17a-694 that
21 space is available in a treatment program.

22 (c) A suspension of prosecution ordered under the provisions of
23 subsection (b) of this section may be for a period not exceeding two
24 years. During the period of suspension, an accused person shall be
25 placed in the custody of the Court Support Services Division for
26 treatment for alcohol or drug dependency. The court or the Court
27 Support Services Division may require that the person (1) comply with
28 any of the conditions specified in subsections (a) and (b) of section 53a-
29 30, and (2) be tested for use of alcohol or drugs during the period of
30 suspension. The accused person shall, unless indigent, pay the cost of
31 treatment ordered under this section.

32 (d) If prosecution is suspended under the provisions of subsection
33 (b) of this section, (1) the statute of limitations applicable to the crime
34 charged shall be tolled during the period of suspension, and (2) the
35 accused person shall be deemed to have waived [his] such accused
36 person's right to a speedy trial for the crime charged.

37 (e) The court shall not suspend prosecution under subsection (b) of
38 this section unless (1) the accused person has acknowledged that he or
39 she understands the consequences of the suspension of prosecution, (2)
40 the accused person has given notice, by registered or certified mail on
41 a form prescribed by the Chief Court Administrator, to the victim, if
42 any, of the crime of which the person is accused and of the pending
43 motion for suspension of prosecution, (3) such victim, if [he exists] any,
44 has been given an opportunity to be heard on the motion for
45 suspension of prosecution, and (4) the accused person, unless [he] such
46 accused person is indigent, has paid to the clerk of the court an
47 administration fee of twenty-five dollars.

48 (f) If the prosecution is suspended, the person shall be released on a
49 written promise to appear or on a bond and any other bond posted in

50 any criminal proceeding concerning such person shall be terminated.

51 (g) If the court denies the motion for suspension of prosecution, the
52 state's attorney may proceed with prosecution of the crime.

53 (h) A person shall be deemed to be indigent for the purposes of this
54 section if the court determines the person has an estate insufficient to
55 provide for [his] the person's support or there is no other person
56 legally liable or able to support [him] the person.

57 Sec. 2. Section 21a-278 of the general statutes is repealed and the
58 following is substituted in lieu thereof (*Effective July 1, 2003*):

59 (a) Any person who manufactures, distributes, sells, prescribes,
60 dispenses, compounds, transports with the intent to sell or dispense,
61 possesses with the intent to sell or dispense, offers, gives or
62 administers to another person one or more preparations, compounds,
63 mixtures or substances containing an aggregate weight of one ounce or
64 more of heroin, methadone or cocaine [or an aggregate weight of one-
65 half gram or more of cocaine in a free-base form] or a substance
66 containing five milligrams or more of lysergic acid diethylamide,
67 except as authorized in this chapter, and who is not, at the time of such
68 action, a drug-dependent person, shall be imprisoned for a minimum
69 term of not less than five years nor more than twenty years; and, a
70 maximum term of life imprisonment. The execution of the mandatory
71 minimum sentence imposed by the provisions of this subsection shall
72 not be suspended except the court may suspend the execution of such
73 mandatory minimum sentence if at the time of the commission of the
74 offense (1) such person was under the age of eighteen years, or (2) such
75 person's mental capacity was significantly impaired but not so
76 impaired as to constitute a defense to prosecution.

77 (b) Any person who manufactures, distributes, sells, prescribes,
78 dispenses, compounds, transports with the intent to sell or dispense,
79 possesses with the intent to sell or dispense, offers, gives or
80 administers to another person any narcotic substance, hallucinogenic

81 substance other than marijuana, amphetamine-type substance, or one
82 kilogram or more of a cannabis-type substance except as authorized in
83 this chapter, and who is not at the time of such action a drug-
84 dependent person, for a first offense shall be imprisoned not less than
85 five years nor more than twenty years; and for each subsequent offense
86 shall be imprisoned not less than ten years nor more than twenty-five
87 years. The execution of the mandatory minimum sentence imposed by
88 the provisions of this subsection shall not be suspended except the
89 court may suspend the execution of such mandatory minimum
90 sentence if at the time of the commission of the offense (1) such person
91 was under the age of eighteen years, or (2) such person's mental
92 capacity was significantly impaired but not so impaired as to
93 constitute a defense to prosecution.

94 Sec. 3. Section 54-125a of the general statutes is repealed and the
95 following is substituted in lieu thereof (*Effective July 1, 2003*):

96 (a) A person convicted of one or more crimes who is incarcerated on
97 or after October 1, 1990, who received a definite sentence or aggregate
98 sentence of more than two years, and who has been confined under
99 such sentence or sentences for not less than one-half of the aggregate
100 sentence or one-half of the most recent sentence imposed by the court,
101 whichever is greater, may be allowed to go at large on parole in the
102 discretion of the panel of the Board of Parole for the institution in
103 which the person is confined, if (1) it appears from all available
104 information, including any reports from the Commissioner of
105 Correction that the panel may require, that there is reasonable
106 probability that such inmate will live and remain at liberty without
107 violating the law, and (2) such release is not incompatible with the
108 welfare of society. At the discretion of the panel, and under the terms
109 and conditions as may be prescribed by the panel including requiring
110 the parolee to submit personal reports, the parolee shall be allowed to
111 return to the parolee's home or to reside in a residential community
112 center, or to go elsewhere. The parolee shall, while on parole, remain
113 in the legal custody and control of the board until the expiration of the

114 maximum term or terms for which the parolee was sentenced. Any
115 parolee released on the condition that the parolee reside in a
116 residential community center may be required to contribute to the cost
117 incidental to such residence. Each order of parole shall fix the limits of
118 the parolee's residence, which may be changed in the discretion of
119 such panel. Within three weeks after the commitment of each person
120 sentenced to more than one year, the state's attorney for the judicial
121 district shall send to the Board of Parole the record, if any, of such
122 person.

123 (b) (1) No person convicted of any of the following offenses, which
124 was committed on or after July 1, 1981, shall be eligible for parole
125 under subsection (a) of this section: Capital felony, as defined in
126 section 53a-54b, felony murder, as defined in section 53a-54c, arson
127 murder, as defined in section 53a-54d, murder, as defined in section
128 53a-54a, or any offense committed with a firearm, as defined in section
129 53a-3, in or on, or within one thousand five hundred feet of, the real
130 property comprising a public or private elementary or secondary
131 school. (2) A person convicted of an offense, other than an offense
132 specified in subdivision (1) of this subsection, where the underlying
133 facts and circumstances of the offense involve the use, attempted use
134 or threatened use of physical force against another person shall be
135 ineligible for parole under subsection (a) of this section until such
136 person has served not less than eighty-five per cent of the definite
137 sentence imposed.

138 (c) The Board of Parole shall, not later than July 1, 1996, adopt
139 regulations in accordance with chapter 54 to ensure that a person
140 convicted of an offense described in subdivision (2) of subsection (b) of
141 this section is not released on parole until such person has served
142 eighty-five per cent of the definite sentence imposed by the court. Such
143 regulations shall include guidelines and procedures for classifying a
144 person as a violent offender that are not limited to a consideration of
145 the elements of the offense or offenses for which such person was
146 convicted.

147 (d) Not later than January 15, 2002, the Board of Parole shall submit
148 a report to the Secretary of the Office of Policy and Management and,
149 in accordance with the provisions of section 11-4a, to the joint standing
150 committees of the General Assembly having cognizance of matters
151 relating to the Board of Parole, public safety and appropriations and
152 the budgets of state agencies setting forth the number of all persons
153 whose eligibility for parole release is subject to subsection (a) of this
154 section who, as of January 1, 2002, have completed seventy-five per
155 cent of their definite sentence and have not been approved for parole
156 release. Not later than February 15, 2002, and not later than the
157 fifteenth day of each month thereafter, the Board of Parole shall submit
158 a report to the Secretary of the Office of Policy and Management and,
159 in accordance with the provisions of section 11-4a, to the joint standing
160 committees of the General Assembly having cognizance of matters
161 relating to the Board of Parole, public safety and appropriations and
162 the budgets of state agencies setting forth the number of all such
163 persons who have completed seventy-five per cent of their definite
164 sentence in the preceding month and were not approved for parole
165 release.

166 (e) Notwithstanding the provisions of subsection (a) of this section,
167 any person whose eligibility for parole release is subject to said
168 subsection and who has not been released on parole by the board in its
169 discretion, shall be released on parole supervision upon completion by
170 such person of seventy-five per cent of such person's definite sentence
171 unless: (1) Such person has been given a level five security or chronic
172 disciplinary status classification by the Department of Correction, (2)
173 such person has been given a level three or four security group rating
174 by the Department of Correction, (3) such person is the subject of a
175 class A disciplinary report by the Department of Correction for assault
176 on staff or another inmate, rioting or escape during such person's
177 period of incarceration, or (4) such person has a pending criminal
178 charge for the alleged commission of a felony during such person's
179 period of incarceration.

180 (f) Notwithstanding the provisions of subsection (a) of this section,
 181 any person whose eligibility for parole release is subject to subdivision
 182 (2) of subsection (b) of this section shall be released on parole
 183 supervision upon completion by such person of eighty-five per cent of
 184 such person's definite sentence unless: (1) Such person has been given
 185 a level five security or chronic disciplinary status classification by the
 186 Department of Correction, (2) such person has been given a level three
 187 or four security group rating by the Department of Correction, (3) such
 188 person is the subject of a class A disciplinary report by the Department
 189 of Correction for assault on staff or another inmate, rioting or escape
 190 during such person's period of incarceration, or (4) such person has a
 191 pending criminal charge for the alleged commission of a felony during
 192 such person's period of incarceration.

193 Sec. 4. (NEW) (*Effective July 1, 2003*) Notwithstanding the provisions
 194 of section 54-125a of the general statutes, the chairperson of the Board
 195 of Parole may transfer to any public or private nonprofit halfway
 196 house, group home or mental health facility or to an approved
 197 community or private residence any person who is confined in a
 198 correctional institution or facility and (1) has been granted parole
 199 release and is within eighteen months of the parole release date
 200 established by the board, or (2) is within eighteen months of such
 201 person's conditional parole release date under subsection (e) or (f) of
 202 section 54-125a of the general statutes, as amended by this act. Any
 203 person released from confinement pursuant to this section shall be
 204 transferred from the custody of the Commissioner of Correction to the
 205 jurisdiction of the chairperson of the Board of Parole. Such person
 206 may, at any time, be returned to the custody of the Commissioner of
 207 Correction.

208 Sec. 5. Subdivision (1) of subsection (a) of section 18-50 of the
 209 general statutes is repealed and the following is substituted in lieu
 210 thereof (*Effective July 1, 2003*):

211 (1) Except as provided in subdivision (2) of this subsection, each

212 person committed to any community correctional center upon
 213 conviction of any criminal offense, and held therein only for the
 214 payment of a fine, shall be discharged from confinement when the
 215 time served by such person at [the rate of fifty dollars a day] a per
 216 diem rate equal to the average daily cost of incarceration as
 217 determined by the Commissioner of Correction amounts to such fine
 218 or the balance thereof remaining unpaid. Such person shall earn an
 219 additional credit of fifty dollars toward such fine or balance thereof
 220 remaining unpaid for each day such person is employed at productive
 221 or maintenance work and has established a satisfactory work record.
 222 In computing the number of days to be served, credit shall be given for
 223 Sundays, holidays and the day of admission. Each person so
 224 committed shall be released during the day following that which
 225 completes the time to be served when computed in accordance with
 226 this subdivision, or immediately upon payment of the fine in full.

227 Sec. 6. Subdivision (1) of subsection (a) of section 18-98d of the
 228 general statutes is repealed and the following is substituted in lieu
 229 thereof (*Effective July 1, 2003*):

230 (1) Any person who is confined to a community correctional center
 231 or a correctional institution for an offense committed on or after July 1,
 232 1981, under a mittimus or because such person is unable to obtain bail
 233 or is denied bail shall, if subsequently imprisoned, earn a reduction of
 234 such person's sentence equal to the number of days which such person
 235 spent in such facility from the time such person was placed in
 236 presentence confinement to the time such person began serving the
 237 term of imprisonment imposed; provided (A) each day of presentence
 238 confinement shall be counted only once for the purpose of reducing all
 239 sentences imposed after such presentence confinement; and (B) the
 240 provisions of this section shall only apply to a person for whom the
 241 existence of a mittimus, an inability to obtain bail or the denial of bail
 242 is the sole reason for such person's presentence confinement, except
 243 that if a person is serving a term of imprisonment at the same time
 244 such person is in presentence confinement on another charge and the

245 conviction for such imprisonment is reversed on appeal, such person
 246 shall be entitled, in any sentence subsequently imposed, to a reduction
 247 based on such presentence confinement in accordance with the
 248 provisions of this section. In the case of a fine, each day spent in such
 249 confinement prior to sentencing shall be credited against the sentence
 250 at [the rate of fifty dollars] a per diem rate equal to the average daily
 251 cost of incarceration as determined by the Commissioner of Correction.

252 Sec. 7. Section 54-124a of the general statutes is repealed and the
 253 following is substituted in lieu thereof (*Effective July 1, 2003*):

254 (a) There shall be a Board of Parole which [, on] shall be within the
 255 Department of Correction for administrative purposes only. On and
 256 after July 1, [1998,] 2003, the board shall consist of [fifteen] five
 257 members [, including a chairman and two vice-chairmen who shall be]
 258 appointed by the Governor with the advice and consent of either
 259 house of the General Assembly. [The chairman and vice-chairmen
 260 shall be qualified by training, experience or education in law, criminal
 261 justice, parole matters or other related fields for the consideration of
 262 the matters before them and the other members shall be qualified by
 263 training and experience for the consideration of matters before them.]
 264 In the appointment of the members, the Governor shall endeavor to
 265 reflect the racial diversity of the state. The Governor shall appoint a
 266 chairperson from among the membership. The chairperson of the
 267 board shall be qualified by education, experience and training in the
 268 administration of community corrections, probation or parole.

269 (b) The term of each appointed member of the board serving on
 270 June 30, 2003, shall expire on said date. The term of [the chairman and
 271 the term of each vice-chairman] each member of the board beginning
 272 on or after July 1, 2003, shall be coterminous with the term of the
 273 Governor or until a successor is chosen, whichever is later. [The terms
 274 of all members, except the chairman, shall expire on July 1, 1994, and
 275 on or after July 1, 1994, members shall be appointed in accordance with
 276 subsection (a) of this section as follows: Six members shall be

277 appointed for a term of two years; and six members shall be appointed
278 for a term of four years. Thereafter, all members shall serve for terms
279 of four years.] Any vacancy in the membership of the board shall be
280 filled for the unexpired portion of the term by the Governor.

281 (c) The [chairman and vice-chairmen] chairperson shall devote
282 [their] his or her entire time to the performance of [their] his or her
283 duties hereunder and shall be compensated therefor in such amount as
284 the Commissioner of Administrative Services determines, subject to
285 the provisions of section 4-40. The other members of said board shall
286 receive one hundred ten dollars for each day spent in the performance
287 of their duties and shall be reimbursed for necessary expenses incurred
288 in the performance of such duties. The [chairman] chairperson or, in
289 [his] the chairperson's absence or inability to act, a member designated
290 by [him] the chairperson to serve temporarily as [chairman]
291 chairperson, shall be present at all meetings of said board and
292 participate in all decisions thereof.

293 (d) [Said chairman] The chairperson shall be the executive and
294 administrative head of said board and shall have the authority and
295 responsibility for (1) [directing and supervising] overseeing all
296 administrative affairs of the board, [(2) preparing the budget and
297 annual operation plan in consultation with the board, (3) assigning
298 staff to parole panels, regions and supervision offices, (4) organizing
299 parole hearing calendars to facilitate the timely and efficient
300 processing of cases, (5) implementing a uniform case filing and
301 processing system, (6)] (2) establishing policy in all areas of parole
302 including, but not limited to, decision making, release criteria and
303 supervision standards, [(7) establishing specialized parole units as
304 deemed necessary, (8) entering into contracts, in consultation with the
305 board, with service providers, community programs and consultants
306 for the proper function of parole and community supervision, (9)
307 creating programs for staff and board member development, training
308 and education, (10) establishing, developing and maintaining
309 noninstitutional, community-based service programs, (11)] (3)

310 consulting with the Department of Correction on shared issues
311 including, but not limited to, prison overcrowding, (4) consulting with
312 the Judicial Department on shared issues of community supervision,
313 and [(12)] (5) signing and issuing subpoenas to compel the attendance
314 and testimony of witnesses at parole proceedings. Any such subpoena
315 shall be enforceable to the same extent as subpoenas issued pursuant
316 to section 52-143.

317 [(e) The chairman shall have the authority and responsibility for
318 assigning members to panels, each to be composed of two members
319 and the chairman or a member designated to serve temporarily as
320 chairman, for each correctional institution. Such panels shall be the
321 paroling authority for the institutions to which they are assigned and
322 not less than two members shall be present at each parole hearing.]

323 (e) The chairperson, or the chairperson's designee, and two
324 members of the board shall conduct all parole release hearings and,
325 except as provided in section 9 of this act, all parole revocation and
326 rescission hearings and shall approve or deny all parole releases,
327 parole revocations and parole rescissions recommended by an
328 employee of the board as provided in section 54-125b, as amended by
329 this act, or section 9 of this act.

330 (f) The chairperson of the board shall appoint an executive director.
331 The executive director shall oversee the administration of the agency
332 and, at the discretion of the chairperson, shall: (1) Direct and supervise
333 all administrative affairs of the board, (2) prepare the budget and
334 annual operation plan, (3) assign staff to administrative review,
335 regions and supervision offices, (4) organize parole hearing calendars,
336 (5) implement a uniform case filing and processing system, (6)
337 establish specialized parole units, (7) review and establish parole
338 officer to parolee caseload ratios, (8) enter into contracts with service
339 providers, community programs and consultants, (9) create programs
340 for staff and board member development, training and education, and
341 (10) establish, develop and maintain noninstitutional, community-

342 based service programs.

343 (g) The chairperson and executive director shall develop policies
344 and procedures for:

345 (1) Parole revocation and rescission hearings that include
346 implementing due process requirements and creating a bifurcated
347 system with a preliminary evidentiary hearing and a formal hearing;

348 (2) A graduated sanctions system for parole violations including,
349 but not limited to, reincarceration based on the type, severity and
350 frequency of the violation and specific periods of incarceration for
351 certain types of violations; and

352 (3) A parole orientation program for all parole-eligible inmates upon
353 their transfer to the custody of the Commissioner of Correction that
354 will provide general information on the laws and policies regarding
355 parole release, calculation of time-served standards, general conditions
356 of release, supervision practices, revocation and rescission policies,
357 and procedures for administrative review and panel hearings, and any
358 other information that the board deems relevant for preparing inmates
359 for parole.

360 [(f)] (h) In the event of the temporary inability of any member other
361 than the [chairman] chairperson to perform his or her duties, the
362 Governor, at the request of the board, may appoint a qualified person
363 to serve as a temporary member during such period of inability.

364 [(g)] (i) The Board of Parole shall: (1) Adopt an annual budget and
365 plan of operation, (2) adopt such rules as deemed necessary for the
366 internal affairs of the board, (3) develop policy for and administer the
367 operation of the Interstate Parole Compact, and (4) submit an annual
368 report to the Governor and General Assembly.

369 Sec. 8. Section 54-125b of the general statutes is repealed and the
370 following is substituted in lieu thereof (*Effective July 1, 2003*):

371 (a) A person whose eligibility for parole release is subject to
 372 subsection (a) of section 54-125a, as amended by this act, may be
 373 allowed to go on parole in accordance with section 54-125a, as
 374 amended by this act, or 54-125g without a parole hearing being
 375 conducted by a panel of the Board of Parole if (1) an employee of the
 376 Board of Parole has reviewed the inmate's case and recommended
 377 parole be granted to such person, and (2) such recommendation has
 378 been approved by at least two members of a panel of the board. A
 379 parole hearing shall be conducted by a panel of the Board of Parole if
 380 the chairperson of the board deems such a hearing to be necessary or if
 381 a victim, as defined in sections 54-201 and 54-226, requests such a
 382 hearing.

383 [(b) No inmate may be released pursuant to the provisions of
 384 subsection (a) of this section if he or she has been convicted of a
 385 violation of section 53a-55, 53a-55a, 53a-56, 53a-56a, 53a-56b, 53a-57,
 386 53a-58, 53a-59, 53a-59a, 53a-70, 53a-70a, 53a-70b, 53a-92, 53a-92a, 53a-
 387 134 or 53a-196a or has more than three years remaining on his or her
 388 sentence.]

389 [(c)] (b) The Board of Parole shall adopt regulations, in accordance
 390 with chapter 54, to establish criteria and procedures for the
 391 administrative review and release of inmates without a parole hearing
 392 as provided in this section.

393 Sec. 9. (NEW) (*Effective July 1, 2003*) The parole of a person who has
 394 been allowed to go on parole in accordance with subsection (a) of
 395 section 54-125a, as amended by this act, or section 54-125g, who has
 396 been sentenced to a period of special parole in accordance with
 397 subdivision (11) or (12) of subsection (b) of section 53a-28, as amended
 398 by this act, or who has been released on parole in accordance with
 399 subsection (e) or (f) of section 54-125a, as amended by this act, may be
 400 revoked or rescinded without a hearing conducted by a panel of the
 401 Board of Parole if: (1) A hearing is conducted by an employee of the
 402 board, (2) the employee recommends such parole be revoked or

403 rescinded, and (3) such recommendation has been approved by at least
404 two members of a panel of the board.

405 Sec. 10. Section 18-87j of the general statutes is repealed and the
406 following is substituted in lieu thereof (*Effective July 1, 2003*):

407 There is established a Commission on Prison and Jail Overcrowding
408 which shall be within the Office of Policy and Management for
409 administrative purposes only. The commission shall consist of the
410 Chief Court Administrator or [his] the Chief Court Administrator's
411 designee, the Commissioner of Correction, the Commissioner of Public
412 Safety, the Chief State's Attorney or [his] the Chief State's Attorney's
413 designee, the Chief Public Defender or [his] the Chief Public
414 Defender's designee, the executive director of the Court Support
415 Services Division or other designee of the Chief Court Administrator,
416 the chairperson of the Board of Parole or the chairperson's designee
417 and the following members, each of whom shall be appointed by the
418 Governor: Three government officials, a police chief, two persons
419 representing offender and victim services within the private
420 community and two public members. The Governor shall appoint a
421 chairperson from among the members of the commission. The
422 commission shall meet at such times as it deems necessary.

423 Sec. 11. Subsection (b) of section 53a-28 of the general statutes is
424 repealed and the following is substituted in lieu thereof (*Effective July*
425 *1, 2003*):

426 (b) Except as provided in section 53a-46a, when a person is
427 convicted of an offense, the court shall impose one of the following
428 sentences: (1) A term of imprisonment; or (2) a sentence authorized by
429 section 18-65a or 18-73; or (3) a fine; or (4) a term of imprisonment and
430 a fine; or (5) a term of imprisonment, with the execution of such
431 sentence of imprisonment suspended [.] entirely, [or after a period set
432 by the court,] and a period of probation or a period of conditional
433 discharge; or (6) a term of imprisonment, with the execution of such
434 sentence of imprisonment suspended [.] entirely, [or after a period set

435 by the court,] and a fine and a period of probation or a period of
 436 conditional discharge; or (7) a term of imprisonment, with the
 437 execution of such sentence of imprisonment suspended after a period
 438 set by the court of not more than two years, and a period of probation
 439 or a period of conditional discharge; or (8) a term of imprisonment,
 440 with the execution of such sentence of imprisonment suspended after a
 441 period set by the court of not more than two years, and a fine and a
 442 period of probation or a period of conditional discharge; or [(7)] (9) a
 443 fine and a sentence authorized by section 18-65a or 18-73; or [(8)] (10) a
 444 sentence of unconditional discharge; or [(9)] (11) a term of
 445 imprisonment of more than two years and a period of special parole as
 446 provided in section 54-125e, as amended by this act; or (12) a term of
 447 imprisonment of more than two years, and a fine and a period of
 448 special parole as provided in section 54-125e, as amended by this act.

449 Sec. 12. Section 54-97 of the general statutes is repealed and the
 450 following is substituted in lieu thereof (*Effective July 1, 2003*):

451 No person may be committed to [the Connecticut Correctional
 452 Institution, Somers,] a correctional institution or a community
 453 correctional center without a mittimus signed by the judge or clerk of
 454 the court which committed [him] such person or, with respect to a
 455 person sentenced to a period of special parole, signed by a chairperson
 456 of the Board of Parole, declaring the cause of commitment and
 457 requiring the warden or Community Correctional Center
 458 Administrator to receive and keep [him] such person in the
 459 [Correctional Institution, Somers,] correctional institution or the
 460 community correctional center, as the case may be, for the period fixed
 461 by the judgment of said court or said board or until [he] such person is
 462 legally discharged; and such mittimus shall be sufficient authority to
 463 the officer to commit such person, and to the warden or Community
 464 Correctional Center Administrator to receive and hold [him] such
 465 person in custody, except that any community correctional center may
 466 receive any person as provided in section 7-135 without such mittimus.

467 Sec. 13. Section 54-125e of the general statutes is repealed and the
468 following is substituted in lieu thereof (*Effective July 1, 2003*):

469 (a) Any person convicted of a crime committed on or after October
470 1, 1998, who received a definite sentence of more than two years
471 followed by a period of special parole shall, at the expiration of the
472 maximum term or terms of imprisonment imposed by the court, be
473 automatically transferred from the custody of the Commissioner of
474 Correction to the jurisdiction of the [chairman] chairperson of the
475 Board of Parole or, if such person has previously been released on
476 parole pursuant to subsection (a) of section 54-125a, as amended by
477 this act, or section 54-131a, remain under the jurisdiction of said
478 [chairman] chairperson until the expiration of the period of special
479 parole imposed by the court.

480 (b) Any person sentenced to a period of special parole shall be
481 subject to such rules and conditions as may be established by the
482 Board of Parole or its [chairman] chairperson pursuant to section
483 54-126.

484 (c) The period of special parole shall be not less than one year nor
485 more than ten years except that such period may be for more than ten
486 years for a person convicted of a violation of subdivision (2) of section
487 53-21 of the general statutes in effect prior to October 1, 2000,
488 subdivision (2) of subsection (a) of section 53-21, section 53a-70,
489 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-72b or sentenced as a
490 persistent dangerous felony offender pursuant to subsection (h) of
491 section 53a-40 or as a persistent serious felony offender pursuant to
492 subsection (j) of section 53a-40.

493 (d) Whenever a parolee has, in the judgment of such parolee's
494 parole officer, violated the conditions of his or her special parole, the
495 board shall cause the parolee to be brought before it without
496 unnecessary delay for a hearing on the violation charges. At such
497 hearing, the parolee shall be informed of the manner in which such
498 parolee is alleged to have violated the conditions of such parolee's

499 special parole, shall be advised by the panel or employee of the board
500 conducting the hearing that such parolee has the right to retain counsel
501 and, if indigent, shall be entitled to the services of the public defender,
502 and shall have the right to cross-examine witnesses and to present
503 evidence in such parolee's own behalf. The chairperson of the Board of
504 Parole shall develop policies and procedures for revocation and
505 rescission hearings.

506 (e) If such violation is established, the board may: (1) Continue the
507 sentence of special parole; (2) modify or enlarge the conditions of
508 special parole; or (3) revoke the sentence of special parole. No such
509 revocation shall be ordered, except upon consideration of the incident
510 and unless such violation is established by the introduction of reliable
511 and probative evidence and by a preponderance of the evidence.

512 (f) If the board revokes special parole for a parolee, it may issue a
513 mittimus for the commitment of such parolee to the custody of the
514 Commissioner of Correction for any period not to exceed the
515 unexpired portion of the period of special parole.

516 (g) Whenever special parole has been revoked for a parolee, the
517 board may, at any time during the unexpired portion of the period of
518 special parole, allow the parolee to be released again on special parole
519 without court order.

520 Sec. 14. Section 54-128 of the general statutes is repealed and the
521 following is substituted in lieu thereof (*Effective July 1, 2003*):

522 (a) Any paroled [convict or] inmate who has been returned to the
523 custody of the Commissioner of Correction or any institution of the
524 Department of Correction for violation of [his] such inmate's parole
525 may be retained in [the institution from which he was paroled] a
526 correctional institution for a period equal to the unexpired portion of
527 the term of [his] such inmate's sentence at the date of the request or
528 order for [his] such inmate's return less any commutation or
529 diminution of [his] such inmate's sentence earned, except that the

530 Board of Parole may, in its discretion, determine that [he] such inmate
 531 shall forfeit any or all of such earned time, or may be again paroled by
 532 said board.

533 (b) Each parolee or inmate, subject to the provisions of section 18-7,
 534 shall be subject to loss of all or any portion of time earned.

535 (c) Any person who, during the service of a period of special parole
 536 imposed in accordance with subdivision [(9)] (11) or (12) of section
 537 53a-28, as amended by this act, has been returned to the custody of the
 538 Commissioner of Correction or any institution of the Department of
 539 Correction for violation of [his] such person's parole, may be retained
 540 in [the institution from which he was paroled] a correctional institution
 541 for a period equal to the unexpired portion of the period of special
 542 parole. The total length of the term of incarceration and term of special
 543 parole combined shall not exceed the maximum sentence of
 544 incarceration authorized for the offense for which the person was
 545 convicted.

This act shall take effect as follows:	
Section 1	<i>July 1, 2003</i>
Sec. 2	<i>July 1, 2003</i>
Sec. 3	<i>July 1, 2003</i>
Sec. 4	<i>July 1, 2003</i>
Sec. 5	<i>July 1, 2003</i>
Sec. 6	<i>July 1, 2003</i>
Sec. 7	<i>July 1, 2003</i>
Sec. 8	<i>July 1, 2003</i>
Sec. 9	<i>July 1, 2003</i>
Sec. 10	<i>July 1, 2003</i>
Sec. 11	<i>July 1, 2003</i>
Sec. 12	<i>July 1, 2003</i>
Sec. 13	<i>July 1, 2003</i>
Sec. 14	<i>July 1, 2003</i>

Statement of Purpose:

To manage the increasing growth in prison population by adopting various measures to control the number of persons being admitted to, and discharged from, correctional facilities.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]